

1-4. How do you handle summer referrals by parents?

Remember that intervention strategies in the regular education classroom may be waived for parent referrals. **The IEP Team must meet to act on parent referrals in the summer.** If the IEP Team believes that more information is needed, the interventions can be implemented when school begins. Otherwise, the public agency proceeds with the evaluation. The public agency must document the decision in the student folder in SETS.

1-5. Can children who have less than eight weeks of interventions be referred for special education services?

Before a child is referred for special education evaluation or concurrently during the evaluation process, intervention strategies must be implemented in the general education program and monitored by the Problem Solving Team (PST) for an appropriate period of time (a minimum of eight weeks), and be determined unsuccessful. ***This rule may be waived for a child who has severe problems that require immediate attention, for three- and four-year olds, for five year olds who have not been in kindergarten, for children with articulation, voice, or fluency problems only, for children with a medical diagnosis of traumatic brain injury, and for a child who has been referred by his or her parents.*** AAC 290-8-9.01(4).

1-6. How long an intervention should be implemented for those students who need immediate help? (Example: severe behavior problems) The requirement of intervention strategies may be waived for a child who has severe problems that require immediate attention. AAC 290-8-9-.01(4).

1-7. When a parent contacts school personnel about concerns or a referral for a child, can the public agency talk to the parent about intervention strategies before an actual referral?

Yes, school personnel are strongly encouraged to discuss the options with parents on a case-by-case basis. However, keep in mind that the interventions may be waived for a parent referral per the AAC 290-8-9-.01(4). In addition, SES recommends intervention strategies be provided during the evaluation process if a determination is made to proceed with an initial evaluation

1-9. Are intervention strategies required for three- and four-year-olds?

No, intervention strategies may be waived for this age group and for five-year-olds who have not entered kindergarten. See AAC 290-8-9.01(4).

1-12. Who can make a referral?

The parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

1-13. If apparent makes a referral directly to an individual school via telephone, mail, and/or conference, is the local school personnel allowed to refer the parent elsewhere? For example: may a public agency representative direct the referring person to the special education central office?

This is a public agency decision. The SES Section suggests that each school have someone who is knowledgeable about the referral process.

1-14. What are the avenues for making a referral for an evaluation?

A referral may be made in several different ways, some of which include the following:

- a. A referral may be made over the phone, whereby, the public agency would be responsible for completing a *Referral for Evaluation* form.
- b. A referral may be received through the mail. When this occurs, the public agency should call the referring person and complete a *Referral for Evaluation* form.
- c. A referral may be made during a personal conference. When this occurs, public agency personnel should complete a *Referral for Evaluation* form.
- d. A *Referral for Evaluation* form may be submitted by school personnel, e.g., classroom teacher, guidance counselor, bus driver, etc.
- e. A public agency must obtain information and complete a written referral for any parent who is unable to complete a written referral.

1-15. When a school-based secretary receives a telephone call from a parent wishing to have his/her child tested for special education services, does this mean that the referral has officially been received and the 60 calendar day timeline begins?

No. The 60 calendar day timeline begins when the public agency receives signed parental consent for the initial evaluation.

1-16. May a public agency wait until a child's third birthday to act upon a referral?

Example: A public agency receives a referral on a 30-month-old child. Would the public agency wait until the child is three years of age before acting on the referral?

No. A public agency must act upon all referrals in a timely manner once received. Children transitioning from EI must be evaluated and if eligible, must have an IEP implemented on the child's third birthday.

1-17. When does a referral for an evaluation become official?

The referral becomes official on the date it is received via phone, mail, conference, or when a written referral form is submitted to any education personnel (e.g., secretary, guidance counselor, principal, etc.)

1-18. After the public agency receives a referral, is there a timeline between the receipt and the acceptance of the referral?

No, not a specific timeline; however, it should be acted on in a timely manner.

1-19. When does the 60 calendar day timeline begin?

Day one of the timeline is the day the public agency receives a signed *Notice and Consent for Initial Evaluation* form from the parent. The public agency has 60 calendar days to complete the initial evaluation. The initial evaluation must be completed on or before day 60. The SES Section uses the field Final Completion Date of All Evaluations to determine if the timeline was met. The public agency has 30 calendar days from the completion of the initial evaluation to determine eligibility. The public agency has 30 calendar days from eligibility determination to develop an IEP.

1-20. May the public agency stop receiving referrals for special education evaluations in the spring?

No. Referrals are to be received and acted upon year round by the public agency.

1-21. Must the public agency receive a referral from a parent when there is no clear evidence of a problem?

Yes. The public agency must receive a referral from a parent when submitted. Once submitted, an IEP Team meeting is scheduled to discuss the referral. The parent is a member of the IEP Team and must be invited to participate in this meeting. The IEP Team reviews the referral and existing data and determines if there is a need for an evaluation.

1-22. What happens if the IEP Team determines that the referral is not substantiated?

If the IEP Team determines that the student does not need to be evaluated for special education services, the *Notice of Proposal or Refusal to Take Action* form must be used to document the IEP Team's decision not to accept the referral for evaluation and a copy must be given to the parent and student (age 19 and older).

1-33. Can we send the adaptive behavior scale home to be completed?

Yes. The home version may be sent home if it is mutually agreed upon by both the parent or guardian and the public agency and if the scale does not require a face-to-face interview. If a home version of the adapted behavior scale is not completed after two documented attempts, a second school version of the adapted behavior scale must be completed. It is the responsibility of the public agency to ensure that the parent receives the assistance needed to complete the adaptive behavior scale.

1-39. Do evaluations have to be conducted in the summer?

The referral-to-placement process continues in the summer. The public agency may need to make arrangements to have personnel available during the summer months to serve on an IEP Team and Eligibility Committee in the event referrals are received during the summer and consent to begin the evaluation process is received from the parent

1-40. How long may the public agency wait for the parent to obtain a follow-up evaluation on a vision or hearing screening failure?

It is not the responsibility of the parent to obtain follow-up evaluations from hearing or eye specialists. It is the responsibility of the public agency to schedule, arrange, and secure any necessary follow-up.

1-41. What if a failure in vision and/or hearing screening causes the evaluation process to exceed the 60 calendar day timeline?

The public agency will be overdue with the timeline. An exception is when the parent repeatedly fails or refuses to produce the student for the evaluation. Follow-up evaluations must be completed when a student fails a vision or hearing screening. Every effort must be made to complete all evaluations within the 60-day timeline. If there are delays, the actions taken to obtain the evaluation should be documented in the student's record. Use the "Annotate" process in SETS for this documentation.

1-42. Does the public agency have the responsibility to obtain hearing aids or glasses that are recommended by a specialist?

If the items are necessary to complete the required evaluations and for the student to receive FAPE, then it is the responsibility of the public agency to ensure that corrective measures are provided. When corrective measures (i.e., glasses, hearing aids, or other appropriate remediation) are indicated, these must be provided before any further evaluations are attempted to ensure valid results. The cost for any evaluations and/or corrective measures becomes the responsibility of the public agency. The public agency may contact other local agencies for assistance in providing glasses/hearing aids (Children's Rehabilitation Services, Lion's Club, etc.)

1-43. When is it appropriate to administer a functional vision or hearing screener?

A functional vision/auditory response screener is appropriate if the student:

- a. Fails the vision/hearing screening and rescreening is unwarranted due to the functioning level of the student.
- b. Cannot follow directions.
- c. Is unable to be conditioned for the testing situation.
- d. Is unable to adapt to the screening situation.
- e. Refuses to cooperate in the screening situation.

1-44. Can a public agency use results from mass vision and hearing screening for initial eligibility purposes?

Yes. If the screening has been done within one year, the results may be used for an initial evaluation. If there is a question about hearing or vision, a screening will need to be repeated before the other assessments are administered and/or completed to ensure that results obtained are valid.

1-45. Is the public agency expected to complete three behavior rating scales on students suspected of having an emotional disability?

Yes. The administration of at least three of the same behavior rating scales must be completed by three or more independent raters, one of whom may be the parent or the child, and who have had knowledge of the child for at least six weeks.

1-46. What is the difference between speech or language disabilities?

Speech refers to communication disorders in the area of articulation, voice, and/or fluency.

Language refers to a language disability that adversely affects a child's educational performance. Language usually involves syntax, semantics, and/or pragmatic errors.

1-56. Can the *Family Focus Interview/ELPP Documentation* form be used for eligibility as the structured interview with autism?

Yes.

1-59. What is the timeline between parental consent to determine initial eligibility and IEP?

- a. Timeline begins on the date the signed and dated *Notice and Consent for Initial Evaluation* is received by the public agency.
- b. The public agency must complete the evaluation as soon as possible but no later than 60 days. (The date the *Notice and Consent for Initial Evaluation* is received is counted as day 1 + 59 days.)

- c. Eligibility determination must be made within 30 days from the date of the completion of the last evaluation.
- d. The IEP meeting must be held within 30 days from the date of the eligibility determination.

1-65. When must children with disabilities who become three years old be served?

For children who are transitioning from Part C (Early Intervention) to Part B (preschool program), the public agency is required to make FAPE available to each eligible child residing in its jurisdiction no later than the child's third birthday and have an IEP implemented by that date. If the child's third birthday occurs during the summer months, the child's IEP Team will determine when special education services will begin. The public agency must participate in a transition planning conference arranged by the Early Intervention (EI) service provider in order to experience a smooth and effective transition to preschool programs in a timely manner.

1-66. When do services begin if a parent referral is made for a child who is older than 30 months?

If a parent referral is made for a preschool child who is older than 30 months, the public agency has 60 calendar days from receipt of parental consent to complete the initial evaluation. The public agency has 30 calendar days from completion of the evaluation to determine eligibility and 30 calendar days from eligibility determination to complete the IEP process. The timeline begins once the public agency receives consent from the parent for the initial evaluation. This may mean the services begin after age three.

1-93. Who should be invited as the regular education teacher for a preschool child with disabilities?

The requirement is to have the teacher of the child. If a child attends a program in the community, a licensed service provider of the child (i.e., Head Start teacher, day care provider, church personnel) must be invited. If there is not a regular teacher of the child, someone who meets state certification requirements such as a kindergarten teacher or other qualified personnel who can provide services to this age group must be invited.

1-94. Preschool teachers are invited to attend IEP Team meetings but may not be able to attend. How do we go about meeting the requirement to have a regular education teacher at the IEP Team meeting?

The requirement is to have the teacher of the child. However, if this person cannot attend the IEP Team meeting, maybe they can participate by conference call. The IEP Team should have input from the teacher of the child. Teacher input may be gained through such methods as the *Natural Environment Observation/ELPP Documentation*, *Family Focus Interview/ELPP Documentation*, teacher records, etc.

1-120. If a student has a behavior problem and a BIP will be written, is the BIP considered part of the IEP?

Yes. In the circumstances outlined below:

- a. For a child with a disability whose behavior impedes his/her learning or that of others, and for whom the IEP team has decided a BIP is appropriate.
- b. For a child with a disability whose violation of the code of student conduct is a manifestation of the child's disability, the IEP Team must include a BIP in the child's IEP to address the behavioral needs of the child.

1-121. If a student's behavior in the regular education classroom would significantly impair the learning of others, can the IEP Team determine that placement in the regular education classroom is inappropriate for that student?

The IEP Team is required to consider positive behavioral interventions, and supports, and other strategies to address the behavior of a student with a disability whose behavior impedes his or her learning or the learning of others. The determination of appropriate placement for a student whose behavior is interfering with the education of others requires careful consideration of whether the student can appropriately function in the regular education classroom if provided appropriate behavioral interventions, supports, and strategies. If the student can function in the regular classroom when provided appropriate behavioral interventions, supports, and strategies, placement in a more restrictive environment would be inconsistent with the LRE provisions of the IDEA.

1-192. Who should have a copy of the IEP?

The special education teacher and/or case manager of the student must have a copy of the IEP. The public agency is also required to provide a copy of the IEP to the parent at no cost. Others responsible for implementing parts of the IEP (e.g., regular education teacher(s), related service providers, and any other service provider) must be informed of their specific responsibilities related to implementing the IEP and the accommodations, modifications, and supports that must be provided in accordance with the student's IEP. The IEP must be "accessible" to these other providers but it is not a requirement that a personal copy of the entire IEP be provided. If a personal copy of the IEP is provided to other service providers, they must be made aware that the IEP document in whole or in part must be protected in a secure location and treated as a confidential document.

1-251. Does an EL need to be in school for a certain amount of time before he can be referred/evaluated for special education services?

No. Any student may be referred and evaluated at any time if there are concerns and it is determined to be appropriate. During the special education eligibility process, the IEP Team is directed to consider the amount of formal education the student has received in its decision regarding eligibility.

1-252. Does an EL need to reach a certain level of English proficiency on the WIDA ACCESS or comparable measure before he can be referred for special education evaluation?

No. If concerns are present and the team determines that referral/evaluation are necessary, the student may be evaluated at any time. If the student is not proficient in English, evaluation should proceed in the dominant language.

1-253. Can ELs with little or no previous formal education in their home countries be referred for special education evaluation?

Yes. The IEP team and/or eligibility committee must determine that the student's disability is not the result of a lack of appropriate instruction in order to determine him eligible for special

education services. Consider that some countries offer no special education services, so a student with special needs may have been excluded from attending school.

1-254. Can an EL kindergartener or preschooler be referred for special education evaluation?

Yes. If concerns are present, the kindergarten EL should proceed through RtI and/or special education processes just as any other student. If the child is in preschool, no RtI is required. If the child is too young for the WIDA ACCESS or comparable measure to be administered to determine English proficiency, the IEP Team or eligibility committee should rely upon thorough data from parents and the home language survey to determine the language in which assessment should be conducted to give the most accurate information on what the child knows and can do.

1-255. Should an EL's parents be discouraged from speaking their native language at home?

No. Research suggests that children need exposure to rich language environments. Parents should be encouraged to speak in the language that is most comfortable for them to create a language rich environment in the home. If a parent does not speak English, then attempts to do so to communicate with the child would be very limited in scope and would possibly not provide a rich English language model. In addition, a child who does not speak his family's language will be isolated from them linguistically, socially, and culturally.

1-256. How can evaluators ensure that assessment results are a true reflection of the student's performance, not limited English language proficiency?

There is no simple way to do this. Evaluators should use multiple measures to accurately determine an EL's level of functioning. To the degree possible, assessment data should be compared with level of functioning in the classroom and/or home environments, as well as the student's response to interventions that have been introduced. In all cases, evaluators should cautiously interpret test data and standard scores, reporting any nonstandard administration of assessments on the eligibility report.

1-265. Who may the LEA designate as the general education teacher since publicly funded programs for typical three- and four-year-olds are not universally available to all children?

If the child does not attend an early childhood program, the LEA must designate someone who **meets the state requirements** for providing services to typically developing preschool children. Some examples include K-3rd grade teachers certified in early childhood, Head Start teachers who meet the state requirement to be employed as a Head Start teacher, or a childcare teacher who meets the state requirements to be employed as a childcare teacher. The general education designee must meet the state standards required for their current job, that is, early childhood public school teacher, Head Start teacher, or childcare teacher.

1-268. When a child is attending Head Start, who is responsible for providing the special education instruction, services, and supports?

The LEA is ultimately responsible for providing the special education services, related services, support, and materials that are delineated in the IEP. However, some **Head Start programs may choose to provide services that will support a child with special needs.**

1-269. Must LEAs provide transportation for three- and four-year-olds, even when the LEA does not transport other typically developing three- and four-year-old children?

Yes, if it is required for the child to benefit from the special education services. Transportation is a related service just as occupational therapy, physical therapy, etc. are related services, and the IEP Team must consider on an individual basis if it is required for the child to benefit from special education

1-270. Is it appropriate to provide preschool services in kindergarten classrooms?

Each decision should be made **based on the individual needs** of the child. In most situations, kindergarten classrooms are not appropriate for three- and four-year-olds. Also, kindergarten classrooms cannot be the placement for children who do not meet the kindergarten age requirements. Children must be 5 by September 1. There is a wide gap in development between a typical three-year-old and a kindergartner. Developmentally appropriate practices must be implemented with all young children, and most activities occurring in kindergarten are not developmentally appropriate for three-and four-year-olds. The LRE requirements under Part B of the IDEA state that preschool children with disabilities are expected to be educated in a preschool setting with typically developing peers.

1-272. What is “educational performance” for preschool children?

Educational performance for preschool children refers to developmentally appropriate academic, socialemotional, self-help, adaptive, motor, and/or communication skills. That is can he/she participate or do the things that a typically developing preschool age child can do?